

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	NO. 21-255
	:	
DAVIT DAVITASHVILI	:	

ORDER

AND NOW, on this 9th day of May 2022, upon considering the United States’ second amended Motion to admit (ECF Doc. No. 43), Defendant’s Response (ECF Doc. No. 49), oral argument, after convening an evidentiary hearing under Federal Rule of Evidence 104, reviewing post-hearing briefing (ECF Doc. Nos. 72, 78), and for reasons in the accompanying Memorandum, it is **ORDERED** the United States’ second amended Motion (ECF Doc. No. 43) is **GRANTED in part** and **DENIED in part**:

1. The United States may adduce testimony from Olga Volosevich as to the background of her relationship with the Defendant and as to her firsthand knowledge of the alleged dysfunction in their relationship from November 2019 through June 2020 but the United States may not mention or adduce evidence of an alleged rape in October 2019 or of a 2007 conviction unless Defendant specifically opens the door on these subjects and shall so instruct its witnesses;

2. The United States may introduce the messages between Defendant and Ms. Volosevich from November 2019 through June 2020 to the extent permitted in the accompanying Memorandum;

3. The United States may introduce the March through May 2021 message exchanges between Defendant and his acquaintance Roma to the extent permitted in the accompanying Memorandum; and,

4. Counsel are granted leave to supplement their proposed jury instructions to propose a limiting instruction consistent with Federal Rule of Evidence 404 no later than **May 25, 2022**.



KEARNEY, J.